

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FirstEnergy Corp., et al.,

Plaintiffs, Counterclaim
Defendants

v.

Michael Pircio,

Defendant, Counterclaimant.

Case No. 1:20-CV-1966

Judge J. Philip Calabrese

**CLEARSULTING LLC'S MOTION FOR LEAVE TO JOIN FIRSTENERGY
CORP.'S MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL**

Clearsulting LLC ("Clearsulting"), through counsel, hereby moves the Court to join in FirstEnergy Corp.'s Motion for Leave to File Documents Under Seal (Doc. 33). Clearsulting will file a detailed response to the Court's Order to Show Cause (Doc. 31), which will contain several exhibits. Out of respect for the Court's concerns as set forth in Doc. 31, Clearsulting requests that these documents initially be filed under seal so that the Court and Mr. Pircio may review the filings under seal before they are made available to the public. Clearsulting's response contains information that it considers appropriate to set forth on the public docket, as well as information that it believes is properly sealed permanently. Clearsulting has endeavored to separate these two categories of information, such that its response brief and one of its exhibits may properly be available to the public, with the other information in separate exhibits.

Specifically, Clearsulting has set forth the information it believes is properly sealed permanently in an addendum to the brief and in a separate exhibit. These documents describe and contain certain evidentiary support for Clearsulting's claims and contentions, including

employment records, and contain confidential information; this information may never otherwise be raised publicly in light of the Court's order dismissing the Complaint. Clearsulting believes that this addendum and exhibit should properly remain under seal permanently in this matter in light of the Court's order dismissing the case.

An order permitting the initial filing of the entire response under seal will allow the Court to review the filings and either confirm there is no reason why the response brief and one of the declarations need to be maintained permanently under seal, or to craft a more narrowly tailored approach to unsealing portions of these filings for the public docket. *See Abington Emerson Cap., LLC v. Landash Corp.*, Case No. 2:17-CV-143, 2020 WL 3496148, at *1 (S.D. Ohio June 29, 2020) (court allowed temporary sealing to allow the parties to review the filings under seal and thereafter request permanent sealing).

Therefore, Clearsulting requests that it be permitted to file its response to the Order to Show Cause under seal (Doc. 31).

Respectfully submitted,

/s/ Paul M. Flannery

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CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Paul M. Flannery
Paul M. Flannery

Attorney for Clearsulting LLC